



## Clean Air Coalition Meeting Agenda Item III

### **Update-Ozone Standard Delayed**

#### **EPA delayed finalization of new standards until July 2011**

- EPA is asking the Clean Air Scientific Advisory Committee for additional input before finalizing action on its proposed health-based and welfare-based ozone standards
- This is the third delay in finalizing this ozone standards (August 31, October 31, December 31, 2010)

#### **TCEQ indefinitely extends comment period for designation recommendations**

- TCEQ has delayed closing the comment period for designation recommendations until the new standards are finalized
- The guidance EPA issued for the 2008 standard recommendations indicated that the six counties making up the Austin-Marble Falls Combined Statistical Area would be the default nonattainment area: Bastrop County, Burnet County, Caldwell County, Hays County, Travis County, Williamson County.
- In the guidance for the 2008 standard, EPA said it would consider the following factors in determining nonattainment area boundaries:
  - Air quality data
  - Location of emissions sources and contribution to ozone concentrations
  - Population density and degree of urbanization, including commercial development
  - Traffic and commuting patterns
  - Growth rates and patterns
  - Meteorology (weather/transport patterns)
  - Geography/topography
  - Jurisdictional boundaries

#### **No implementation rule proposed yet**

- Until EPA finalizes the standard, EPA is not likely to propose an implementation rule, which will determine:
  - Attainment deadlines
  - Classification scheme
  - Implementation plan requirements
- Indications are that EPA plans to propose to implement the new standard under the more restrictive “subpart 2” rather than the more flexible “subpart 1,” which the courts have determined EPA is allowed to do.
- Delay in process could provide opportunity to shape the proposed implementation rule

#### **Uncertainty surrounding status of 2008 ozone standard designations**

- Under the Clean Air Act, the EPA is required to finalize designations for the 2008 ozone standard of 75 parts per billion no later than March 12, 2011.



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- EPA is required to notify states at least 120 days prior to finalizing designations if it plans on deviating from the Governor's recommendations.
- The Governor's recommendation for the 2008 standards, submitted in March 2009, was that Travis County (but not the other counties in the Combined Statistical Area) should be designated nonattainment for the 2010 ozone standard.
- The Governor's recommendation has not been amended to reflect Travis County's current status monitoring attainment of the 2008 ozone standard.
- If EPA is forced to issue designations under the 2008 standard, this could mean that Travis County would still be designated nonattainment for that standard.